IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 25 OF 2003.

The State of Maharashtra. ... Appellant.

Versus.

Shivaji Kaluram Tilekar & others. ... Respondents.

Shri Y.M.Nakhwa, A.P.P. for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2006.

P.C.:

1. Heard the learned A.P.P. for the Appellant on the question of grant of leave. The learned trial Judge has recorded a finding that the complainant could not lead evidence to show that the alleged sample bottles were washed, cleaned and dried and the same were empty. A finding is recorded that there is a breach of provisions of Rule 14 of the Prevention of Food Adulteration Rules 1955 and section 11(1)(b) of the Prevention of Food Adulteration Act, 1954. There is also a finding that admittedly requirement of Rule 7(3) of the said Rules of 1955 is not complied with.

2. I find that no reason to grant leave to prefer Appeal against acquittal. No ground is made out for grant of leave. Appeal is dismissed.

Judge.